

In the Matter of Merchant Mariner's Document No. Z-470076-D2 and All Other Seaman Documents

Issued to: HORACE GREELEY DODD, JR.

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1203

HORACE GREELEY DODD, JR.

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11-1.

By order dated 4 March 1960, an Examiner of the United States Coast Guard at Norfolk, Virginia, suspended the Appellant's seaman documents upon finding him guilty of misconduct. The six specifications found proved allege that while serving as an oiler on board the United States SS TRANSCARIBBEAN under the authority of the document, above described, on 11 January 1960, at sea, the Appellant created a disturbance while intoxicated, had whisky in his possession, failed to perform his duties, and assaulted the Master; on 12 January 1960, the Appellant attempted to fight with the Master and failed to join the ship on her departure from San Juan, Puerto Rico.

At the hearing, the Appellant voluntarily elected to act as his own counsel. The Appellant entered pleas of guilty to the charge and each specification.

The Investigating Officer made his opening statement including a summary of the facts produced by the investigation of these alleged offenses.

The Appellant declined the opportunity to make a statement.

It was established that the Appellant has been going to sea since 1943 and is thirty-eight years old.

At the end of the hearing, the Examiner rendered the decision in which he concluded that the charge and six specifications had been proved by plea. The Examiner then entered an order suspending all documents, issued to Appellant, for a period of three months outright plus three months on twelve months' probation.

The Appellant's prior record consists of a probationary suspension in 1945.

OPINION

The detailed findings of fact and reasoning of the Examiner in

his decision are incorporated herein by reference.

This appeal is a plea for clemency. The Appellant also states that the whisky he purchased legally in Bermuda was the cause of all these offenses.

The Appellant admitted that the alleged offenses by his pleas of guilty at the hearing. As stated by the Examiner, a person cannot use the fact of intoxication to exempt him from the responsibility for his improper conduct. Since the order is lenient for the offenses committed, it will not be modified.

ORDER

The order of the Examiner dated at Norfolk, Virginia, on 4 March 1960, is AFFIRMED.

J. A. Hirshfield
Vice Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D. C., this 14th day of November, 1960.